

CHAPTER 169 LIBRARY

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169.1 DEFINITIONS

As used in this chapter, the following terms shall have the meanings indicated:

DEMAND -- Any oral or written communication, including correspondence sent by regular mail, requesting the return of library materials to the library by an employee, agent or official of the library.

LIBRARY -- The Village of Fall Creek Public Library.

LIBRARY MATERIAL -- Includes any book, plate, picture, photograph, engraving, painting, drawing, map, newspaper, magazine, pamphlet, broadside, manuscript, document, letter, public record, microform, sound recording, audiovisual materials in any format, magnetic or other tapes, electronic data processing records, artifacts or other documentary, written or printed materials, regardless of physical form or characteristics, belonging to, on loan to or otherwise in the custody of the library.

169.2 UNLAWFUL ACTS

Pursuant to W.S.A. s. 943.61, it shall be unlawful for any person to do any of the following:

- A. Theft. To take and carry away, transfer or conceal to retain possession of any library material without the consent of a library official, agent or employee and with the intent to deprive the library of the possession of the material.
- B. Failure to return. To fail, on demand, to return any library material to the library within five days of the date of the demand.
- C. Damaging of library materials. To mar, deface or in any other manner damage or mutilate any book, periodical, pamphlet, pictures or other article or property belonging to or in the charge of the library.

169.3 CONCEALMENT AS EVIDENCE

The concealment of library material beyond the last station for borrowing library material in a library is evidence of intent to deprive the library of possession of the material. The discovery of library material which has not been borrowed in accordance with the library's procedures or taken with consent of a library official, agent or employee and which is concealed by the person upon the person or among the belongings of another is evidence of intentional concealment on the part of the person so concealing the material.

169.4 VIOLATIONS AND PENALTIES

- A. Any person convicted of a violation of the provisions of this chapter shall forfeit not less than \$25 and not more than \$500, plus court costs and penalty assessment, and, in default of payment thereof, shall be confined in the county jail of Eau Claire County for a period not to exceed 90 days, but only if a court finds that the person is not indigent. If the violation for which a person is convicted involves theft, failure to return or damaging of any library material, the sentencing court shall add to any fine imposed the fair market or replacement value of the library material. In cases involving theft and failure to return any library material, this additional fine may be waived if the violator returns the library material within five days of conviction.

- B. Prosecution. Each separate act of theft, failure to return or damaging of library materials shall be considered as a separate offense. The Village of Fall Creek may, in its discretion, join several offenses as a single prosecution against any one violator. The Village of Fall Creek, in prosecuting any offenses under this chapter, may use and adopt a municipal citation authorized under Chapter 1, General Provisions, ~ 1-20 of this Code, as presently enacted or hereafter amended, in which the fine shall be \$25 to \$500 plus court costs and penalty assessment and damages assessed under the preceding subsection. The appearance in court by the violator under such a citation shall be mandatory where the violation involves library materials which have not been returned to the library by the date of the issuance of said citation.